84-1958

No.

Office-Supreme Court, U.S.
FILED
JUN 17 1985
ALEXANDER L. STEVAS,
CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1984

EDWARD RONWIN,

Petitioner,

vs.

HON. WILLIAM A. HOLOHAN; HON. FRANK X. GORDON, JR.; HON. JACK D. H. HAYS; HON. JAMES DUKE CAMERON; HON. STANLEY G. FELDMAN; PHILIP E. VON AMMON and RUTH G. MCGREGOR,

Respondents.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

EDWARD RONWIN
P.O. Box 3585
Urbandale, Iowa 50322
(515) 223-8819
Petitioner pro se

QUESTIONS PRESENTED FOR REVIEW

I. Does 28 U.S.C. §1257 Apply to Non-Final Arizona Supreme Court Orders?

II. Does the Statement of a Claim Which is a Challenge on Constitutional Grounds to a Rule, or Application Thereof, of the Arizona Supreme Court Require More Than One Injured Party?

A. With Respect to 28 U.S.C.§1257, When is a Civil Rights Action "Personal" and When is it a "General Challenge on Constitutional Grounds?"

B. Is the 9th Circuit Rule for Differentiating a Personal from a General Challenge in Conflict With This Court's Approach?

C. When Are "Personal" Claims and"General Challenges" "Inextricably Intertwined?"

III. Was The Summary Judgment Granted to the Non-Judicial Respondents Violative of Rule 56, Fed. Rules of Civil Proc.?

IV. Is the Injunction Granted Against Peti-

tioner Violative of Petitioner's Right of Access to Federal Courts?

V. Are the Grant of Attorneys' Fees Against Petitioner a Perversion of the Intent of 42 U.S.C. §1988?

VI. Is This Court Delinquent in its Failure to Provide a Mechanism for the Enforcement of its Decisions?

TABLE OF CONTENTS

	Page
Questions Presented for Review	i
Table of Contents	ii
Table of Authorities	
Opinions Below	1
Jurisdiction	3
Constitutional and Statutory Provisions	3
Statement of the Case	4
Reasons for Granting the Writ	9
I. No Final Arizona Supreme Court Judgment Is Attacked in the Complaint; Hence 28 U.S.C.§1257 Did Not Apply And The District Court Had Subject Matter Jurisdiction	9

Page

II. Does the Statement of A Claim Which is a Challenge on Constitutional Grounds to a Rule, or Application Thereof, of the Arizona Supreme Court Require More Than One Injured Party? 11

A. With Respect to 28 U.S.C. §1257, When Is A Civil Rights Action "Personal" and When Is It A "General Challenge on Constitutional Grounds"? 11

B. The 9th Circuit Rule Differentiating A Personal From a General Challenge Is In Conflict With This Court's Approach. 13

C. When Are "Personal" Claims and "General Challenges" "Inextricably Intertwined"? 15

III. Was the Summary Judgment Granted to the Non-Judicial Respondents Violative of Rule 56, Fed. Rules of Civil Proc.? 17

IV. Is the Injunction Granted Against Petitioner Violative of Petitioner's Right of Access to Federal Courts? 18

V. Is the Grant of Attorney's Fees Against Petitioner a Perversion of the Intent of 42 U.S.C.§1988? 21

VI. Is This Court Delinquent in its Failure to Provide a

	Page
Mechanism for the Enforcement of its Decisions?	25
Conclusion	27
Appendix	

TABLE OF AUTHORITIES

Cases

	Page
Application of Ronwin, 113 Ariz. 357, 555 P.2d 315 (1976)	23
Brown v. Bd. of Bar Examiners, 623 F.2d 605 (1980)	14-16,20
District of Columbia Court of Appeals v. Feldman, 460 U.S. 462, 103 S.Ct. 1303 (1983)	9, 12-16, 20
Greene v. McElroy, 360 U.S. 474, 79 S.Ct. 1400 (1959)	23
Hoover v. Ronwin, __U.S.__, 104 S.Ct. 1989 (1984)	20
Lawlor v. National Screen Service Corp., 349 U.S. 322, 75 S.Ct. 865 (1955)	19
Lynch v. Household Finance Corp., 405 U.S. 538, 92 S.Ct. 1113 (1972); reh. den. 406 U.S. 911	13
Mahroom v. Hook, 563 F.2d 1369 (9 Cir. 1977)	19
Matter of Ronwin, 139 Ariz. 576, 680 P.2d 107 (1983)	6,10

TABLE OF AUTHORITIES, CONT'D

	Page
Rudnicki v. McCormick, 210 F. Supp. 905 (D. Rh. Island 1962)	19
Schware v. Bd. of Bar Examiners, 353 U.S. 232, 77 S.Ct. 752 (1957)	23
Willner v. Comm. on Char. & Fitness, 373 U.S. 96, 83 S.Ct. 1175 (1963)	23
U.S. Constitution, Statutes, Rules	
U.S. Constitution,	
Fifth Amendment	3
Fourteenth Amendment	3
U.S. Statutes,	
28 U.S.C. § 1254	3
28 U.S.C. § 1257	4,9,11,20,24,26
28 U.S.C. § 1343	11,20
42 U.S.C. § 1988	4,8,22,24,25
Fed. Rules of Civil Procedure,	
Rule 56	17,18
U.S. Senate Report, No. 94-1011	25
Arizona Statutes	
17A Ariz. Rev. Stats., Rule 28(c) XII(C) and (F)	6,23

No.

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1984

EDWARD RONWIN,

Petitioner,

vs.

HON. WILLIAM A. HOLOHAN; HON. FRANK X. GORDON, JR.; HON. JACK D. H. HAYS; HON. JAMES DUKE CAMERON; HON. STANLEY G. FELDMAN; PHILIP E. VON AMMON and RUTH G. MCGREGOR,

Respondents.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

OPINIONS BELOW

The United States District Court for the District of Arizona entered a "Memorandum Opinion and Order" on November 22, 1983 which, inter alia, granted a motion to dismiss to the judicial respondents; granted a summary judgment to the non-judicial

respondents; granted a motion for a permanent injunction prohibiting petitioner from filing civil rights actions which allege conspiracy (but not prohibiting such actions if no conspiracy is alleged); granting attorney's fees to an entity (The State Bar of Arizona) which has never been a party to any phase of this litigation; and, denying petitioner's motion for summary judgment and for attorney's fees. On November 30, 1983, the District Court entered a "judgment" reiterating the holding in said "Memorandum Opinion and Order."

On Appeal, the United States Court of Appeals, Ninth Circuit, following refusal to allow oral argument, entered a "Memorandum", effectively a "judgment", on March 7, 1985 afirming the District Court's judgment; (see Appendix). Thereafter, the Circuit Court entered an Order on April 2, 1985 denying without oral argument, petitioner's

Petition for Rehearing,[1](see Appendix).

JURISDICTION

This Petition is filed within 90 days after April 2, 1985. This Court's jurisdiction is invoked pursuant to 28 U.S.C. §1254.

CONSTITUTIONAL AND STATUTORY PROVISIONS

United States Constitution,

Fifth Amendment:

No person shall * * * be deprived of life, liberty, or property, without due process of law; ***

Fourteenth Amendment:

Section 1. * * * No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive

1 Petitioner was sent two separate "Orders," each containing slightly different texts and which denied said Petition for Rehearing. The second was file-stamped April 22, 1985; the first has no file-stamp on it, but the Circuit Court Clerk's office indicates by telephone that it was entered on April 2, 1985. Petitioner has assumed that the April 2, 1985 Order is the proper Order.

any person of life, liberty, or property, without due process of law; * * *.

28 U.S.C. § 1257:

Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court as follows:

(1) By appeal * * *.

(2) By appeal * * *.

(3) By writ of certiorari, * * *.

42 U.S.C. § 1988:

* * * In any action or proceeding to enforce a provision of sections 1981, 1982, 1983, 1985 and 1986 of this title, title IX of Public Law 92-318, or title VI of the Civil Rights Act of 1964, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs.

STATEMENT OF THE CASE

The complaint filed in the district court arose out of petitioner's consolidated 8th

and 9th applications for admission to the Arizona State Bar which were denied by judicial respondents after the complaint in this action was filed in the U.S. District Court (and after petitioner passed the Arizona Bar Examination). The denial of the consolidated applications was based on the purported ground that petitioner was allegedly "not mentally able" to practice law which judgment was made, (i) without a statement of charges against petitioner; (ii) despite the opinions of two psychiatrists and one psychologist that petitioner is "mentally able" and without the presence of any contradictory evidence submitted or testified to by anyone; and (iii) without allowance of an evidentiary hearing despite petitioner's pointed request for same.

In this Court, petitioner does not attack the denial of said applications; nor, did petitioner attack that denial in the district court or the circuit court.

Inter alia, what petitioner attacks is the rule of the judicial respondents, (Ariz. Sup. Ct. rule 28(c)XII(C), Vol. 17A Ariz. Rev. Stat.), or the application thereof, which judicial respondents have employed to deny petitioner's applications for roughly ten years without giving petitioner an opportunity to be heard in an evidentiary hearing with due process safeguards.

After passage of the bar examination, petitioner demanded an evidentiary hearing with full due process safeguards in a motion filed on May 4, 1983 with the judicial respondents, (complaint at 10). That motion was denied without comment on May 25,1983, (complaint at 11). Thereupon, petitioner filed his complaint in the U.S. Dist. Ct. on June 6, 1983. Subsequently, the judicial respondents denied petitioner's consolidated applications for admission to the Arizona State Bar in Matter of Ronwin, 139 Ariz. 576, 680 P.2d 107 (July 6, 1983),

wherein the judicial respondents admit that no evidentiary hearing was allowed because the truth of petitioner's allegations was declared of no importance to the decision, 680 P.2d at 115.

In the district court, respondents filed a motion to dismiss, or alternatively, for summary judgment and for permanent injunction, and a motion for attorney's fees. Petitioner responded to said motions and moved for attorney's fees. In a "Memorandum Opinion and Order" entered November 22, 1983,the district court dismissed petitioner's claim as regards his demand for an evidentiary hearing as being "personal" rather than a general attack on constitutional grounds on a rule, or application thereof, of the judicial respondents thereby the district court allegedly lacked subject matter jurisdiction. As to petitioner's claim that respondents engaged in a conspiracy to deny petitioner's civil rights, the district court granted

summary judgment to the non-judicial respondents on the alleged grounds that the claim was "conclusory." The district court also declared the novel theory that one person cannot bring a general challenge on constitutional grounds to a state court rule or to its application unless two or more persons are mistreated by the rule. One of the non-judicial respondents, averred that the Arizona State Bar paid respondents' legal fees, so the district court awarded attorney's fees allegedly under 42 U.S.C. §1988, nominally to respondents, but actually to the Arizona State Bar which has never been a party to any proceeding in this action. An abbreviated judgment was entered by the district court on November 30, 1983.

On Appeal, the 9th Circuit refused to allow oral argument and filed a "Memorandum" opinion which totally ignored every point of law and fact brought to that court's attention by petitioner's briefs,(see Appendix).

The circuit court then denied petitioner's Petition for Rehearing on April 2, 1985.[1]

REASONS FOR GRANTING THE WRIT

I. No Final Arizona Supreme Court Judgment Is Attacked in the Complaint; Hence 28 U.S.C. § 1257 Did Not Apply And the District Court Had Subject Matter Jurisdiction.

The order of judicial respondents under attack in the complaint was their denial on May 25, 1983, of petitioner's motion of May 4, 1983 for allowance of an oral, evidentiary hearing with full due process safeguards, ¶'s XXVIII and XXIX, complaint. No final order or judgment of the Arizona Supreme Court was challenged below; consequently, the requirement of 28 U.S.C. §1257 that a final judgment of the highest state court is only reviewable on certiorari in this Court as to petitioner's personal, civil rights claim(s), District of Columbia Court of Appeals v. Feldman, 460 U.S. 462, 103 S.Ct. 1303, 1317 (1983) did not impede the subject matter jurisdiction of the dis-

trict court either over petitioner's personal or his general challenge to judicial respondents' practice of denying bar admission applications without holding evidentiary hearings thereon.

While a final judgment was ultimately entered by the judicial respondents, that was done on July 6, 1983 in Matter of Ronwin, 680 P.2d 107 (Ariz. 1983) a month after the complaint was filed on June 6, 1983. Both the district court and the circuit court totally ignored the fact that the complaint could not possibly attack a final judgment not in existence when the complaint was filed; and both courts totally ignored the fact that the complaint attacked said non-final order of May 25, 1983 which denied petitioner's motion for an oral, evidentiary hearing with due process safeguards.

Unless any order of the highest court of a state, final or non-final, deprives a district court of its subject matter jurisdic-

tion under 28 U.S.C.§1343, the district court had subject matter jurisdiction of petitioner's claims whether same were personal or general challenges to the rules of the judicial respondents, or to the application thereof, whereby bar applications are denied without due process hearings.

II. Does the Statement of A Claim Which is A Challenge on Constitutional Grounds to a Rule, or Application Thereof, of the Arizona Supreme Court Require More Than One Injured Party?

A. With Respect to 28 U.S.C.§1257, When Is A Civil Rights Action "Personal" and When Is It A "General Challenge on Constitutional Grounds"?

The District Court held that, Mem. Op. and Order, p. 3:

> Questioned during oral argument, Mr. Ronwin admitted that he did not know of any other applicants who had sought and been denied such an evidentiary hearing on their lack of qualifications for admission to the State Bar. This admission clearly indicates that he seeks relief particular to his individual petition rather than a remedy of general application.

Further on, the district court said, Mem. Op. and Order, p. 19:

> A careful reading of the complaint reveals that the allegations are personal to Mr. Ronwin and to no one else. He admitted as much at oral argument.

Obviously, the district court grounds its labelling of petitioner's claim as "personal" on the novel notion that it requires two or more plaintiff's who are denied an evidentiary hearing on their bar admission applications before a general challenge on constitutional grounds can be made to the rules, or application thereof, of the judicial respondents by which they deny bar applications without allowing evidentiary hearings thereon.

While there were two plaintiffs in Feldman, the complaints of each were filed on separate days approximately two months apart; the particular facts are different and other variances occur between Feldman's and Hickey's complaints, Feldman, 103 S.Ct. at 1307, 1309; and it is clear that the Feldman decision could have been rendered on the basis of either complaint alone, Feldman, 103 S.Ct.

at 1314-1317. In Feldman, this Court set no requirement that multiple plaintiff's were necessary to state a general challange and this Court has already recognized that civil rights are "personal" or individual, Lynch v. Household Finance Corp., 405 U.S. 538, 552, 92 S.Ct. 1113, 1122 (1972), reh. den. 406 U.S. 911. Any other rule would require a person to join a group in order to have his civil rights enforced. The theme of the district court, which the 9th Circuit affirmed, is manifestly unconstitutional.

B. The 9th Circuit Rule Differentiating A Personal From a General Challenge Is In Conflict With This Court's Approach.

In the quotation above at 11, the district court claims that petitioner "..seeks relief particular to his individual petition rather than a remedy of general application..." That conflicts with the prayer of the complaint which asks for general relief, pp.14-15, complaint. The district court attempted

to apply the standard declared by the 9th Circuit in Brown v. Bd. of Bar Examiners, 623 F.2d 605 (9 Cir. 1980) where the identical question faced that court as faced this Court in Feldman;i.e., the constitutionality of a bar admission waiver rule. Because Ms. Brown asked for personal relief, despite her attack onthe constitutionality of the waiver rule, the 9th Circuit claimed that Ms. Brown's claim was personal and that the district court in that case did not have subject matter jurisdiction, Brown, 623 F.2d at 610-611. However, if this Court will review the appendix filed in the Feldman case it will find that both Hickey's and Feldman's complaints asked only for personal relief, see Joint Appendix, Feldman, pp. 43a-44a; 66a. Nevertheless, and contrary to what was done to Ms. Brown, this Court stated, Feldman, 103 S.Ct. at 1315-1316:

> To the extent that Hickey and Feldman mounted a general challenge to the constitutionality of Rule 46I(b)(3),however, the District Court did have subject matter jurisdiction over their complaints.

The 9th Circuit decision in Brown is in conflict with this Court's decision in Feldman as to how a personal claim is distinquished from a general challenge, and the district court is likewise in error.

C. When Are "Personal" Claims and "General Challenges" "Inextricably Intertwined"?

The district court wrote, Mem.Op. and Order, p. 2-3:

> Allegations of unreasonable and discriminatory action by the state court in dealing with the applicant have been found to be "inextricably intertwined" with decisions made in judicial proceedings. Hence, the District Court does not have jurisdiction. Feldman, 103 S.Ct. at 1317.

Aside from the fact that Feldman does not hold blanketly that all such allegations are "inextricably intertwined", the district court's view,affirmed by the 9th Circuit, makes it impossible for an individual plaintiff to state a general challenge since some person's factual basis must supply the predicate for the general challenge as did the "personal" facts upon which Hickey and Feldman separately relied. Even, the 9th Circuit

recognizes that, Brown, 623 F.2d at 610:

> An individual claim may naturally be utilized to confer sufficient standing to challenge general rules and regulations...,

which both the 9th Circuit and the district court forgot in this case.

It is obvious that there is confusion over what constitutes "inextricable intertwining" of a personal with a general challenge. Petitioner submits that a "general challenge on constitutional grounds would be 'inextricably intertwined' with a civil rights plaintiff's personal claim(s), if the district court, in giving remedy on the general claim could not do so without first giving remedy on the personal claim..," Petitioner's Opening Brief, in 9th Circuit. Thus, as applied in the Feldman case, the personal and general claims of each plaintiff would have been "inextricably intertwined" if the district court could only correct the alleged unconstitutional infirmities of the waiver rule by ordering the admission to the Dis-

trict of Columbia bar of Hickey and of Feldman.

III. Was the Summary Judgment Granted to the Non-Judicial Respondents Violative of Rule 56, Fed. Rules of Civil Proc.?

The district court granted summary judgment to the non-judicial respondents on the alleged grounds that petitioner did not reply to the affidavits of the non-judicial respondents which denied petitioner's allegations that said respondents and the judicial respondents conspired to deny petitioner's civil right to an evidentiary hearing, Mem. Op. and Order, p. 5. The district court's position is not faithful to the record. Attached to petitioner's response to respondents' motion for summary judgment is an affidavit by petitioner averring that one of the judicial respondents declared that they "solicit, rely upon and act upon advise and comments from their counsel (the non-judicial respondents) on whether or not to admit applicants to the State Bar of

Arizona." The denials in the affidavits of the non-judicial respondents merely raised a fact question for the jury demanded to determine. The district court distorted its application of Rule 56, F.R.C.P., to avoid the embarrassing evidence that the essence of the comment attributed by petitioner to one of the judicial respondents is captured on a tape record and easily proved thereby, Petitioner's Opening Brief in 9th Cir., pp. 24-25.

IV. Is the Injunction Granted Against Petitioner Violative of Petitioner's Right of Access to Federal Courts?

In discussing its reasons for granting the permanent injunction, the district court, with generous error, recited the alleged facts surrounding several of the cases petitioner has earlier filed to obtain a halt to judicial respondents' practice of denying bar applications without hearing, Mem. Op. and Order, pp. 6-21. The district court attempted to draw an exact analogy with pe-

titioner's actions and those in several other decisions,but the analogy fails because, in those latter decisions, such as Rudnicki v. McCormick, 210 F.Supp. 905 (D. Rh. Island 1962), the plaintiffs brought multiple, consecutive actions based on the identical event which occurred at the identical time. Petitioner's suits were filed after the denial without hearing of separate, distinct bar admission applications which applications were generally filed a year apart from each other. Subsequent actions on an identical tort committed at different times are not barred by any rule of law, Lawlor v. National Screen Service Corp., 349 U.S. 322, 327-328, 75 S.Ct. 865, 868 (1955); which finds approval in the 9th Circuit, Mahroom v. Hook, 563 F.2d 1369, 1376-1377 (9 Cir. 1977), except in petitioner's case.

In its discussion of petitioner's prior actions, the district court tried to portray petitioner's suits as all being without merit,

even though not one has been allowed to come before a jury, but in the district court's eagerness to express its disdain for petitioner's suits, said court completely overlooked all phases of Hoover v. Ronwin, ____U.S.____, 104 S.Ct. 1989 (1984) which even this Court thought of sufficient moment to consider and over which this Court was certainly not unanimous in its result, (4 to 3 in favor of Hoover). The district court also overlooked the fact that the prior dismissals of petitioner's civil rights actions occurred when the question of the subject matter jurisdiction was far from clarified. Even the 1980 decision of the 9th Circuit in Brown is in conflict in part with this Court's holding in Feldman, (see above at 13-17). It is only with Feldman that a clear pronouncement was made at the highest judicial level on the intrinsic conflict between the terms of 28 U.S.C.§1257 and of 28 U.S.C.§1343 and the effect thereof

on a district court's subject matter jurisdiction in a bar applicant's civil rights action.

There was no justification for the district court's grant of a permanent injunction which merely denies due process, aids the conspiracy of which petitioner complains and was intended to hinder petitioner's determination that the judicial respondents are going to be forced to respect the U.S. Constitution and the rights of bar applicants thereunder.

V. Is The Grant of Attorney's Fees Against Petitioner a Perversion of the Intent of 42 U.S.C. §1988?

The district court granted $9,500 in attorney's fees (Order entered, Dec. 27, 1983), purportedly because petitioner's action, "..is vexatious and frivolous and was brought to harass the [respondents].," Mem. Op. and Order, p.22. Attached to respondents' Motion to Dismiss, etc., is an affidavit by one of the non-judicial respondents averring that

legal fees in this action are paid by the "State Bar of Arizona to represent various defendants in actions filed by Edward Ronwin." 42 U.S.C. §1988 allows attorney's fees, under certain conditions, to defendants not to good samaritans. The State Bar of Arizona has never been a party to any phase of this action and is not entitled to reimbursement by an award of attorney's fees.

In addition to the grant of attorney's fees by the district court, the 9th Circuit also awared attorney's fes, Memorandum, p. 3, based on the alleged grounds that petitioner's appeal was "frivolous," but a specific amount was never sought by respondents.

For nearly ten years, petitioner's bar applications have been denied without hearing, without the right to cross-examine adverse witnesses or to present his own; without any statement of charges prior to the denials; in short, with a total denial of due process, and that, in the face of this Court's deci-

sions in Willner v. Comm. on Char. & Fitness, 373 U.S. 96, 103-105, 83 S.Ct. 1175, 1180-1181(1963) and in Schware v. Bd. of Bar Examiners, 353 U.S. 232, 238-239, 77 S.Ct. 752, 756 (1957), pointedly requiring full due process hearings before an application to practice any profession can be denied. Furthermore, any simpleton can see that the rules of the judicial respondents dealing with hearings on bar applications (17A A.R.S., Rules 28(c)XII(C) and (F)) do not make the holding of even one hearing mandatory; and, it is obvious that in applying those rules, the judicial respondents do not consider themselves bound by this Court's decisions in Willner; Schware and in Greene v. McElroy, 360 U.S. 474, 492, 79 S.Ct. 1400, 1411 (1959). Moreover, the judicial respondents employ a definition of "mental ability" which defies medical description or any scientific sense, Application of Ronwin, 113 Ariz. 357, 555 P.2d 315, 317 (1976). Also, as dis-

cussed above, there are more than reasonable grounds to hold that the district court did, indeed, have subject matter jurisdiction over the judicial respondents, (see §I,II, supra); at least, the question is reasonably debatable. Where is the "vexatious" or "frivolous" nature of petitioner's action? How can the action be honestly described as "brought to harass?"

Even, if arguendo subject matter jurisdiction were absent from the district court because of 28 U.S.C.§1257, is not the persistent denial by judicial respondents of due process before denying bar applications an intrinsically unconstitutional, immoral and corrupt act? Wherefore does the district court (and 9th Circuit) award such behavior with attorney's fees?

The action of both the district court and the circuit court in awarding attorney's fees is a perversion of the intent of Congress in passing the 1976 amendment of 42 U.S.C.

§1988, see Senate Report, No. 94-1011.

This Court ought not to allow such a perversion to stand and ought to start defining such vague terms as "frivolous," "vexatious," "harass," "embarass," etc. The perversion is nothing more than a club to deny civil rights, particularly of those with thin pockets, using the very tool that Congress fashioned with the intent to aid the enforcement of civil rights in this nation and to which Congressional intent this Court should pay heed.

VI. Is This Court Delinquent in its Failure to Provide a Mechanism for the Enforcement of its Decisions?

In this case and for years, there has been notorious, blatant and continuous disregard of constitutional requirements and of this Court's decisions by the judicial respondents. That result arises because this Court lacks a sound procedure for enforcing its decisions beyond any particular case. Whenever, petitioner has come to this Court, he

has gotten a denial of his request for review which constitutes an approval of the vicious, unconstitutional and immoral behavior of the respondents. Even if this Court does receive approximately 5,000 applications for review per annum and can only handle 150-250 that should not bar appointment of a special master to review the facts and the law and to make a recommendation to this Court. Unless some mechanism is adopted to ensure review by this Court, particularly of the "personal" claims of bar applicants (and lawyers-the only two classes that are more directly affected by 28 U.S.C.§1257 than persons in other professions), the constitutional promise of equal protection before the law and of fair and due process in the application of the law becomes a hollow and hypocritical covenant.

CONCLUSION

For the foregoing reasons, the Writ should be granted.

Respectfully submitted

_____

Edward Ronwin

(APPENDIX FOLLOWS)

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Filed: March 7, 1985

(Caption)

MEMORANDUM*

(The asterisk denotes a footnote in the Memorandum which will be placed at the end of this reproduction, as will the other footnote that appears in the Memorandum.)

BEFORE: CHOY, PREGERSON, and NORRIS, CIRCUIT JUDGES

Edward Ronwin appeals the district court's judgment in his civil rights action alleging a conspiracy by the Arizona Supreme Court and two private attorneys to deprive bar applicants of their constitutional rights. The district court entered judgment for defendants/appellees, enjoined Ronwin from filing further civil rights suits concerning his bar applications without leave of the court, and awarded attorney's fees to the defendant/appellees.

The judgment below is affirmed. The district court lacked subject matter jurisdiction over Ronwin's action against the judi-

cial defendants/appellees because the action essentially challenged the state supreme court's decisions regarding his individual application, rather than bar admission rules or practices. See District of Columbia Court of Appeals v. Feldman, 460 U.S. 462, 483 (1983); Tofano v. Supreme Court of Nevada, 718 F.2d 313, 314 (9th Cir. 1983). Judgment for the private defendants/appellees was also appropriate because Ronwin failed to allege enough specific facts to state a claim. See. Jones v. Community Redevelopment Agency, 733 F.2d 646, 649 (9th Cir. 1984); Mosher v. Saalfeld, 589 F.2d 438, 441 (9th Cir. 1978) (per curiam), cert. denied,442 U.S. 941 (1979).

The district court did not abuse its discretion by enjoining Ronwin from filing further suits because Ronwin has repeatedly filed meritless suits in connection with his applications to the Arizona Bar, and the injunction allows Ronwin adequate access

to the courts. See 28 U.S.C. § 1651; Wood v. Santa Barbara Chamber of Commerce, Inc., 705 F.2d 1515, 1523-26 (9th Cir. 1983), cert. denied, 104 S.Ct. 1446 (1984).

Moreover, the district court did not abuse its discretion by awarding attorney's fees to the defendants/appellees because Ronwin's action was groundless. See 42 U.S.C. §1988; Christiansburg Garment Co. v. Equal Employment Opportunity Commission,434 U.S. 412, 421 (1978); Ellis v. Cassidy, 625 F.2d 227, 230 (9th Cir. 1980). Because of the frivolous nature of Ronwin's suit, we additionally award defendants/appellees their attorney's fees on appeal. See Fed. R. App. P. 38; 28 U.S.C. § 1912; Wood v. Santa Barbara Chamber of Commerce, 699 F.2d 484, 485 (9th Cir. 1983)(per curiam), cert. denied,104 S.Ct. 1445 (1984). We will determine the amount of attorney's fees on appeal upon presentation of appropriate documentation supporting the request for

such fees.

AFFIRMED.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

(Caption)

(No Filing Stamp)
(Clerk's Office reports the Order was filed on April 2, 1985)

ORDER

Before: CHOY, PREGERSON and NORRIS, CIRCUIT JUDGES

The panel as constituted in the above case has voted to deny the petition for rehearing. The petition for rehearing is denied.